

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA )

v. )

APRIL NICOLE PITCHFORD )  
\_\_\_\_\_ )

DOCKET NO. 3:18CR154-RJC

**FACTUAL BASIS**

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. Between on or about October 18, 2016 and October 19, 2016, the defendant employed and used a four year old minor to create a video depicting sexually explicit conduct. The video was created at a residence in Mecklenburg County. In the video, the defendant uses the child's hand to masturbate the defendant's genitals. The child is asleep.

2. The defendant created the video with her Apple iPhone. After creating the video, she sent it by text message to another individual.

R. ANDREW MURRAY

UNITED STATES ATTORNEY

  
CORTNEY RANDALL

ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Indictment and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.



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ERIN TAYLOR  
Attorney for Defendant

DATED: 11/26/18